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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,403	02/17/1999	MASAHITO NIHKAWA	013227-049	3197
21839	7590	01/23/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			FLETCHER, JAMES A	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/251,403	NIIKAWA ET AL.	
	Examiner	Art Unit	
	James A. Fletcher	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 December 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 14-18 is/are allowed.
- 6) Claim(s) 1,2 and 4-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 15 December 2005 have been fully considered but they are not persuasive.

In re page 4, Applicant's Representative states: "Nothing in Ichimura shows, teaches or suggests commanding different types of processing to be executed for an image as claimed in claims 1 and 4. Rather, Ichimura teaches away; from the claimed invention and only disclose a single type of processing (i.e., compression) of the image data.

The examiner respectfully disagrees. Ichimura clearly discloses several different types of image processing, including file type evaluation (Col 18, lines 18-29), storage (Col 1, lines 11-17), and playback (Col 13, line 65 – Col 14, line 2) as well as different compression processes (Col 5, lines 23-32).

In re page 5, Applicant's Representative states: "Applicants respectfully submit that Ichimura merely compresses data based upon time/importance."

While the Examiner does not disagree with this statement, the fact that the time and importance of the data is determined based on the number of times a unit of time has passed since recording and on the number of times the video has been played back (Col 38, lines 38-42), both of which are processes of the data.

Further in re page 5, Applicant's Representative states: "Nothing in Ichimura shows, teaches or suggests compressing an image when directed to delete an image as claimed in claims 1 and 4."

While the examiner does not disagree with this statement, the claimed "direction to delete" is clearly not a direction to delete as is understood by most English speakers. Rather, since the claimed direction to delete's function has been changed by the invention, it no longer directs any deletion in the device, and therefore has been redefined by the Applicant as a direction to recompress.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura (6,188,831).

Regarding claims 1 and 4, Ichimura discloses an image processing device and method for processing images which are recorded in a recording medium (Col 5, lines 23-26 "the data storage apparatus includes a compression device for reading and compressing the time-series data which is stored") comprising:

- an indicator which commands different types of processing to be executed for the image (Col 13, lines 61-63 "a compression trigger timing signal that is the impetus for starting the...compression of the image data" and Fig. 10, items S300 and S301);
- a controller which sets up rank data in accordance with a number of times the different types of processing is commanded by the indicator (Col 18, lines 52-

55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]” This determination of the oldest records having the lowest importance is a ranking data, and the passage of units of time meets the broadly claimed number of times of “processing” and Fig. 10, items S300 and S301);

- a deletion directional member which directs to delete the image recorded in the image recording medium (Col 18, lines 52-57 “data...are compressed...so as to form empty capacity in the memory of the time-series data storing section”);
- a compressor which compresses the image instead of deleting the image when the deletion directional member directs to delete the image (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]”); and
- a recorder which stores the compressed image (Col 18, lines 56-57 “Time-series data storing section”).

Regarding claim 2, Ichimura discloses an image processing device wherein the compressor alters a compression rate of the image based on the data (Col 5, lines 28-30 “the time-series data in other intervals are compressed by a different compression rate or a compression system based on the correspondence-relationship”).

Further regarding claim 2, if the original data is not deleted after recompression, no storage space is gained. The function of erasing data in order to free up storage

space is considered an inherent requirement of any device attempting to gain storage space by compressing existing data.

Regarding claims 5, 8, 10, and 12, Ichimura discloses a device and method for processing images which are recorded in a recording medium comprising:

- an indicator which commands different types of processing to be executed for the image (Col 19, lines 17-18 “the compression process start request is generated” and Fig. 10, items S300 and S301);
- a recorder which records a time when the indicator commands different types of processing (Col 17, line 50 “The time data storing section” and Fig. 13 discloses compression [S503] as part of a cycle of time elapse from storage and from compression);
- a timer which measures an elapsed time since the time of the processing (Col 17, lines 61-66 “the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time”); and
- a controller which changes a compression rate, which is set in accordance with rank data for the image based on an output from the timer (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]” and Col 24, lines 33-38 “during compression of the image data...the compression ratio...is dynamically changed”) wherein the rank data is set according to a number of times the different types of processing to be executed for the image is

commanded by the indicator (This determination of the oldest records having the lowest importance is a ranking data, and the passage of units of time meets the broadly claimed number of times of "processing" and Fig. 10, items S300 and S301).

Regarding claim 6, Ichimura discloses an image processing device comprising:

- a detector which detects that the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time"); and
- the controller which controls so as to increase the compression rate based on the output from the detector (Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 7, Ichimura discloses an image processing device wherein the controller sets up lower rank data for the image when the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

Regarding claim 9, Ichimura discloses an image processing method further comprising a step of setting up a higher compression rate when it is detected that no

command is given for a predetermined time or more (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time” and Col 24, lines 33-38 “during compression of the image data...the compression ratio...is dynamically changed”).

Regarding claims 11 and 13, Ichimura discloses an image processing method and device wherein the rank value is set up in accordance with the command from the indicator (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time”).

The Examiner notes that the “different types of processing” recited in claim 1 and other amended claims appear to be the processes disclosed in Equation 1 of the specification. These processes are “display time in camera,” “number of history setup button presses,” “time of displaying one image,” “number of printing,” and “number of editing.” Ichimura clearly discloses several different types of processing of the data that affect the importance of the data and therefore its compression characteristics. The examiner would suggest that the Applicant claim elements of Equation 1 that are not found in Ichimura in order to overcome the rejection.

Allowable Subject Matter

4. Claims 14-18 are allowed for the reasons of record.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
January 19, 2006

(Handwritten signature of James J. Groody)
James J. Groody
Supervisory Patent Examiner
Art Unit 262 2616